United Nations A/C.6/55/SR.26

General Assembly
Fifty-fifth session

Official Records

Distr.: General
21 November 2000

Original: English

Sixth Committee

Summary record of the 26th meeting
Held at Headquarters, New York, on Friday, 10 November 2000, at 3 p.m.

Chairman: Mr. Politi ..... (Italy)

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The meeting was called to order at 3.30 p.m.

Agenda item 171: Observer status for the Inter-American Development Bank in the General Assembly (A/55/192; A/C.6/55/L.13)

1. **Mr. Biato** (Brazil), speaking on behalf of the Group of Latin American and Caribbean States, introduced draft resolution A/C.6/55/L.13 on observer status for the Inter-American Development Bank in the General Assembly and said that Panama and Spain had joined the sponsors, while Saint Vincent and the Grenadines had withdrawn.

2. The Bank, founded in 1959, was the oldest and largest regional multilateral development institution. In over 40 years of operation, the Bank had mobilized some $240 billion, which had been used to render feasible public and private investment in the region in priority social and economic projects, with special attention to poverty eradication, social integration and environmental protection, and had developed innovative programmes to reach small and medium-sized enterprises. In addition, it had offered technical cooperation in the elaboration, financing and execution of development plans.

3. The Bank had observer status with the Economic and Social Council and working arrangements with a variety of United Nations bodies and agencies. It had often been invited to address the Second Committee on specific development issues. The Bank's priorities for future lending included areas such as environmental protection, strengthening of civil society, dissemination of information technology and modernization of the State, in which an increased exchange with the United Nations would be mutually beneficial. The sponsors of the draft resolution therefore believed that the current ad hoc nature of the collaboration should be made permanent by observer status in the General Assembly. Moreover, there was a precedent for granting observer status to a regional development bank, since that had been done in the case of the African Development Bank.

4. **The Chairman** said that France had also been added to the list of sponsors.

5. *Draft resolution A/C.6/55/L.13 was adopted.*

Agenda item 172: Observer status for the International Institute for Democracy and Electoral Assistance in the General Assembly (A/55/226)

6. **Mr. Norström** (Sweden), speaking on behalf of the States members of the International Institute for Democracy and Electoral Assistance (Australia, Barbados, Belgium, Botswana, Canada, Chile, Costa Rica, Denmark, Finland, India, Mauritius, Namibia, the Netherlands, Norway, Portugal, South Africa, Spain, Sweden and Uruguay), said that the Institute, also known as International IDEA, was an intergovernmental organization based on an international agreement between States. Its work was relevant to that of the United Nations. It therefore fulfilled the criteria for the granting of observer status laid down in General Assembly decision 49/426.

7. The purpose of the Institute was to promote sustainable democracy and improve electoral processes worldwide by cooperating with countries in the building of their democratic institutions. In all its activities, the Institute adopted a non-prescriptive approach, providing options rather than predetermined solutions.

8. The Institute was cooperating with the United Nations on several projects. For instance, it was working with the Electoral Assistance Division of the United Nations in the production and dissemination of an electronic encyclopaedia on the administration of elections, with the United Nations Institute for Training and Research on the issue of democracy and conflict prevention, and with the United Nations Development Programme on activities in the field. In order to strengthen the links between the Institute and the United Nations, its member States had requested that it should be granted observer status in the General Assembly.

9. **Mr. Su** Wei (China) said that, while observer status in the General Assembly might well enhance links between an intergovernmental organization and the Assembly, it was surely not the only way of achieving that end. His delegation believed that, for practical reasons, there should be an overall limit to the number of organizations granted observer status. Those whose activities had only occasional relevance to items under discussion by the General Assembly or relevance only to a particular subsidiary body of the Assembly might be accommodated in some other way. They

might, for example, apply for observer status for a particular session.

10. Moreover, the criteria set forth in General Assembly decision 49/426, namely, that "the granting of observer status in the General Assembly should in the future be confined to States and to those intergovernmental organizations whose activities cover matters of interest to the Assembly", were somewhat general and needed further clarification. It was not clear whether "matters of interest to the Assembly" referred to the functions stipulated in the Charter of the United Nations or to agenda items under consideration at a specific session. The agenda of the General Assembly touched upon nearly all areas, and the activities of almost any intergovernmental body might be said to be related to one aspect or another of the Assembly's work. Such questions needed to be addressed by the Committee at its future meetings with a view to identifying more specific criteria and guidelines for the granting of observer status.

11. Lastly, the Institute, upon examination, appeared to have a novel structure. It had been established by an intergovernmental agreement, but its members included both States and non-governmental organizations. Although the latter were referred to as associate members, their rights and obligations appeared to be exactly the same as those of the States members of the Institute. Given the mixed character of the Institute, his delegation hesitated to assume that it was an intergovernmental organization within the meaning of General Assembly decision 49/426. The precise definition of "intergovernmental organization" was an important legal issue on which the Committee should do further work.

12. **Ms. Álvarez Núñez** (Cuba) said that her delegation was grateful to the representative of Sweden for bringing the work of the Institute to the attention of the Committee. Although the activities of the Institute might perhaps be of special significance to some countries in transition, they might prove to be of interest to only a limited number of countries, since the Institute approached the themes of democracy and electoral assistance from a particular standpoint. Ultimately, it was up to each State to choose its own path to strengthening its own system of democracy.

13. General Assembly resolution 54/195 had attributed a new responsibility to the Sixth Committee by providing, in paragraph 2, that "any request by an organization for the granting of observer status in the General Assembly will be considered in plenary session after the consideration of the issue by the Sixth Committee". As her delegation interpreted it, the mandate thus conferred was for a technical and legal appraisal of the appropriateness of such a request in the light of the criteria set forth in General Assembly decision 49/426, namely, that observer status should be confined to States and to those intergovernmental organizations whose activities covered matters of interest to the Assembly. The plenary Assembly would, of course, make the final decision, taking into consideration the Committee's recommendation.

14. After studying the agreement establishing the Institute, her delegation had some doubts about the strictly intergovernmental nature of the organization. Although, in article IV on membership, a distinction was drawn between members, which were States and intergovernmental organizations, and associate members, which were non-governmental organizations, no real differences between the two categories were perceptible in the rest of the document in terms of their rights and duties. Paragraph 4 of the article appeared to add another contradictory element by providing for a balance between the two categories. Moreover, according to article VII, the Council of the Institute was composed of one representative of each member and associate member, on an equal footing. In addition, her delegation thought it unusual, and not conducive to real independence, that an intergovernmental organization should depend on purely voluntary contributions, as provided in article V of the agreement.

15. Clearly, in view of the mandate conferred on it by General Assembly resolution 54/195, the Committee must give serious thought, both on the current agenda item and in the future, to the technical questions involved in interpreting the criteria laid out in General Assembly decision 49/426.

16. **Mr. Tarabrin** (Russian Federation) recalled that at the previous session his delegation had proposed that consideration of the question of granting observer status to the Institute should be deferred. At the current session, his delegation had not opposed consideration of the item by the General Committee on the understanding that it would be examined in detail in the Sixth Committee.

17. It should be clear at the outset that his delegation had no complaints against the Institute. It was a prestigious international organization which carried out useful work. At the same time, it was not an altogether typical case. His delegation could not define its character in unambiguous terms.

18. While the Institute was an intergovernmental organization, it included non-governmental organizations as associate members. In accordance with article VII, paragraph 1, of the agreement establishing the Institute, its Council was composed of representatives of all members, including associate members. In accordance with paragraph 6 of that article, each member of the Council had one vote. All members of the Council were entitled to take part in votes on dissolving the organization or amending the agreement. Thus, one gathered the impression that it was not a purely intergovernmental organization.

19. His delegation attached primary importance to preserving the intergovernmental character of the United Nations. Nevertheless, it was prepared to join a consensus, should one be achieved, on granting observer status to the Institute.

20. **Mr. Mirzaee-Yengejeh** (Islamic Republic of Iran) said that, like the preceding speaker, he had no objections to the Institute. Nevertheless, in its decision 49/426, adopted on the recommendation of the Sixth Committee, the General Assembly had laid down a single, clear criterion for the granting of observer status in the Assembly, namely, that such status should in the future be confined to States and to those intergovernmental organizations whose activities covered matters of interest to the Assembly.

21. His delegation had studied the agreement establishing the Institute; as stipulated in article IV, paragraph 2, of that agreement, the Institute was open to membership by non-governmental organizations, as associate members. Moreover, such organizations were represented in the Council of the Institute, where, in accordance with article VII of the agreement, each member was entitled to one vote. For those reasons, his delegation did not believe that the Institute was a purely intergovernmental organization of the kind referred to in the decision, and that further consultations were required before observer status could be granted to it.

22. **Mr. Haque** (Pakistan) said that his delegation shared the views expressed by the representatives of China, Cuba, Iran and the Russian Federation.

23. **Mr. Kerma** (Algeria) said that, notwithstanding the excellent work the Institute was doing, his delegation had some hesitation about recommending observer status. In its decision 49/426, the General Assembly had been clear that observer status in the Assembly should be confined to States and intergovernmental organizations. Examination of the agreement establishing the Institute showed that it had a mixed membership, both governmental and non-governmental, and that some of its funding came from non-governmental sources.

24. Moreover, if observer status was granted too readily, the sheer number of observers could hamper the work of the General Assembly and erode the privileges of other observers. Since, for the reasons outlined by the representatives of China, Cuba and the Russian Federation, the current request for observer status was a special case not completely in accord with the criteria set forth by the General Assembly, his delegation felt that more time was required for reflection before making a decision.

25. **Mr. Hoffmann** (South Africa) said that, according to General Assembly resolution 54/195, it was incumbent upon the Sixth Committee to make a recommendation on the request for observer status. In the light of the criteria laid down in Assembly decision 49/426, the Committee must decide two points: whether the Institute was an intergovernmental organization and whether its activities covered matters of interest to the Assembly. His delegation believed that the Institute satisfied both criteria.

26. On the intergovernmental question, the Institute had been established by an international agreement between Governments, and only States or intergovernmental organizations could accede to the agreement in accordance with article XVIII thereof. Its constituent members were therefore States. It was according to the same criteria that the International Union for the Conservation of Nature and Natural Resources (IUCN) had been granted observer status in the General Assembly under the much-quoted resolution 54/195.

27. His delegation was also convinced that the activities of the Institute covered matters of interest to the General Assembly. Certainly, the Institute's key

themes for its future work, namely, democracy and conflict management; the relationship between democratization, sustainable development and poverty eradication; and democracy as a human right, were all highly relevant to the agenda and the role of the United Nations in the twenty-first century. Increased cooperation between the United Nations and the Institute was vital, and the Institute should be recommended by the Sixth Committee for observer status.

28. **Mr. Hakwenye** (Namibia) said that, in the light of General Assembly decision 49/426, the Committee should confine itself to considering the nature and activities of the organization in question. While all delegations agreed that the Institute's activities were related to the work of the Organization, it was difficult to determine whether it was a purely intergovernmental organization, because the decision did not provide any classification criteria. His delegation associated itself with the comments made by the delegation of Sweden in document A/55/226.

29. **Mr. Kanu** (Sierra Leone) said he was certain that the delegation of Sweden would not have proposed observer status for the Institute if its interests were inimical to those of Member States. Nevertheless, like the delegations of Algeria, China, Cuba and Iran, his delegation wished to have further consultations on the item. In the past there had been other organizations whose statutes had appeared to be faultless, but which had in fact been fronts for nefarious activities aimed at undermining Member States and the Organization as a whole.

30. **Mr. Gomaa** (Egypt), referring to the point made by the South African representative concerning the decision to grant observer status to IUCN, said that in that particular case, the decision had gone to the Second Committee, which had perhaps been less qualified to deal with questions of procedures and rules. Accordingly, a compromise had been reached whereby observer status would be granted to IUCN, while in the future all decisions relating to such status would be referred to the Sixth Committee, which was the body competent to deal with questions of an institutional nature. Now that the situation had been rectified and the General Assembly had called upon the Sixth Committee to undertake that task, the IUCN case should be regarded not as a precedent, but as an exception.

31. **Mr. Pitta e Cunha** (Portugal) said that his delegation associated itself with the comments made by the delegations of South Africa and Namibia. What was at issue was not the intergovernmental nature of the Institute, but its partnership with its associate members, which were non-governmental organizations. Contemporary intergovernmental organizations often engaged in such partnerships; that did not mean that they would be brought directly into the General Assembly. The Institute was composed of 17 States and five non-governmental organizations. In accordance with article IV, paragraph 4, of the agreement establishing the Institute, the number of associate members should at no time exceed the number of members. His delegation was convinced that the organization met the criteria laid down in General Assembly decision 49/426, and that, as noted by the delegation of the Russian Federation, it was a distinguished international organization that was doing very good work.

32. **Mr. Traoré** (Burkina Faso) said that his delegation was well aware of the tremendous work accomplished by the Institute in promoting the democratization process in his country. He urged the Committee to show flexibility in its application of General Assembly decision 49/426. The South African statement had posed the issue in fundamental terms. In the contemporary world, an intergovernmental organization could have partnerships with non-governmental organizations without compromising its intergovernmental nature.

33. **Mr. Maréchal** (Belgium) said that the criteria for the granting of observer status were contained in General Assembly decision 49/426. The organization in question must be an intergovernmental organization and its activities must be relevant to the United Nations. His delegation believed that the Institute fulfilled those criteria and that it should be granted observer status. His delegation stood ready to provide other delegations with whatever information they might require in order to support that proposal.

34. **Mr. Lavalle-Valdés** (Guatemala) said that his delegation supported the granting of observer status to the Institute. The fact that some non-governmental organizations could be associate members of the Institute in no way detracted from its intergovernmental status, especially since the number of associate members could not exceed the number of members. It should be noted that the Department of

Political Affairs, which dealt with electoral assistance, collaborated closely with the Institute.

35. **Mr. Sissilianos** (Greece) said that more than two thirds of the States Members of the Organization had received electoral assistance in recent years, and that the Third Committee of the General Assembly regularly adopted an important resolution on enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization. The Millennium Declaration also contained a chapter on that topic. There could be no doubt that the Institute's activities were of special relevance to the United Nations. As to the Institute's nature, his delegation associated itself with the comments made by the South African representative. He recalled that another important regional organization which had ties to the Security Council, namely, the Organization for Security and Cooperation in Europe, had not been established by means of an international treaty. He therefore urged the members of the Committee to show greater flexibility with regard to the criteria for the granting of observer status.

36. **Mr. Lehmann** (Denmark) said that his delegation had no objection to the mandate and objectives of the Institute. It was a genuine intergovernmental organization; it had an agreement with the Inter-American Development Bank, which had recently been recommended for observer status by the Committee. The fact that its associate members were non-governmental organizations did not affect its intergovernmental status. His country was an independent State, but it benefited greatly from the advice which it received from the Danish non-governmental organization community. Nevertheless, the Institute would always be represented in the Assembly by a member State, not by a non-governmental organization.

37. He called upon the members of the Committee to heed the Secretary-General's wish to see civil society representatives participate in governmental decision-making processes.

38. **Mr. Al-Dailmi** (Yemen) said that, in the interests of fairness and equity, observer status should be granted to the Institute. His delegation looked forward to cooperating with that organization in the future.

Agenda item 154: Progressive development of the principles and norms of international law relating to the new international economic order (*continued*) (A/C.6/55/L.10)

39. **The Chairman** said that, in keeping with the oral amendment he had made when introducing draft decision A/C.6/55/L.10, the word "fifty-eighth" should be inserted before the word "session" in the text of the draft decision.

40. *Draft decision A/C.6/55/L.10, as orally amended, was adopted.*

Agenda item 156: Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives (*continued*) (A/C.6/55/L.8 and Corr.1)

41. **Mr. Longström** (Finland), introducing draft resolution A/C.6/55/L.8 and Corr. 1, read out the list of sponsors, to which his country should be added. Burkina Faso, France and Guatemala had also joined the list.

42. Violations of the security and safety of diplomatic and consular missions and representatives continued to pose a problem for the international community, as evidenced by the reports circulated under the item. The draft resolution served to demonstrate the commitment of Member States to the prevention of such violations. The draft was based on the relevant resolutions adopted over the years by the General Assembly on the item and followed the wording of Assembly resolution 51/156.

43. In the sixth preambular paragraph, the word "*Welcoming*" should be changed to "*Recalling*" in order to reflect the fact that the Security Council resolutions and statements were the same ones referred to in the draft resolution on the item adopted two years earlier.

44. After drawing attention to the third, fourth and fifth preambular paragraphs and to paragraphs 2, 3, 4, 5, 6, 7, 9, 11 and 13, he expressed the sponsors' hope that the draft resolution could be adopted without a vote.

45. **The Chairman** suggested that the Committee should defer action on the draft resolution to a later meeting.

The meeting rose at 4.50 p.m.